

REMARKS

Status of the Claims

Claims 1-30 are pending in this application.

Claims 1-30 have been rejected.

Rejection of Claims 1-30 Under 35 U.S.C. § 103(a)

Claims 1-3, 6-12, 15-21 and 24-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 3,712,703 to Newdigate (hereafter Newdigate) in view of U.S. Pat. No. 4,136,925 to Menzies et al. (hereafter Menzies). Claims 4, 5, 13, 14, 22 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Newdigate in view of Menzies and further in view of U.S. Pat. No. 4,540,252 to Hayashi et al. (hereafter Hayashi).

Applicant now respectfully traverses the 35 U.S.C. § 103(a) rejection of claims 1-3, 6-12, 15-21 and 24-30.

With regard to claims 1, 12 and 21 the Office Action stated:

Newdigate [the '703 patent] teaches a vehicle mirror assembly comprising: a mirror frame (reference 46); a rotor (references 22 and 24) rotatably mounted with respect to the mirror frame (column 2 lines 15-18); a member for rotating (references 28 and 70) the rotor with respect to the mirror frame (column 2 lines 26-34 and column 3 lines 4-11); a connection member (reference 12) operably interposed between the rotor and the mirror frame allowing pivoting of the rotor with respect to the mirror frame (column 2 lines 35-43); and a mirror (reference 26), having a reflective surface (column 2 lines 18-20), mounted with respect to the rotor so that the surface remains substantially parallel to the plane in which the rotor rotates (Figure 1 references 24 and 26 are parallel) and substantially normal to the rotational axis of the rotor (Figure 1 reference 26 is normal to the axis of reference 22). Newdigate [the '703 patent] does not teach that the rotor stabilizes the mirror against tilting vibrational movement.

The Office Action indicated that Newdigate taught all of the limitations of the above claims except that it did not teach the rotor stabilizing the mirror against tilting vibrational movement. The Office Action relied upon Menzies stating that this patent teaches this limitation. The present Office Action further noted that Applicants response on July 15, 2004 indicated that Menzies fails to teach or suggest a rotor that stabilizes the mirror against tilting vibrational movement as cited in claims 1, 12 and 21. The Examiner found the argument to not be persuasive because while Menzies does disclose a stabilizer ring 56 that is not part of the rotor the patent also teaches a flexible drive that stabilizes the mirror against vibration (abstract lines 3-4 and column 3, lines 9-32 of Menzies). Applicant agrees with the Examiner that Menzies teaches a flexible drive that stabilizes the mirror against vibration, however, the flexible drive and rotor do not stabilize the mirror against "tilting vibrational movement" as recited in independent claims 1, 12 and 21. The detailed description of Menzies states in pertinent part "a circular mirror 39 is rotatable mounted within the cowl 31 of the mirror housing 26 substantially coaxially with the motor shaft 33, to which it is coupled by a universal coupling 40 permitting a very slight angular movement of the axis of the mirror relative to the axis of the shaft." See Menzies at Col. 3, Lines 3-8. Applicant points out that the above passage from Menzies teaches that the shaft which is part of the rotor does in fact tilt on its axis. Therefore, the mirror relies upon the stabilizer ring 56 to prevent against tilting vibrational movement. Since the rotor (i.e., the shaft) in Menzies tilts on its axis the rotor cannot possibly stabilize the mirror against tilting vibrational movement without the use of a stabilizer ring 56. Additionally Newdigate does not teach or suggest stabilizing the mirror against tilting vibrational movement. Therefore the proposed

combination of Newdigate in view of Menzies will not work since both references taken together fail to render the combination of elements of claims 1, 12 and 21 obvious.

Applicant also asserts that Newdigate in view of Menzies et al. is not a properly combinable combination of references since the intended function of each of these references would be destroyed if they were combined to render currently pending independent claims 1, 12 and 20 obvious. Both Newdigate and Menzies et al. teach a mirror that rotates about an axis to remove water droplets accumulated on the mirror. See Col. 1, Lines 6-21 of the Newdigate and Col. 4, Lines 14-20 of Menzies et al. Independent claims 1, 12 and 21 of the present application specify that the rotor is rotatably mounted with respect to the mirror frame (see claims 1), or the support portion (see claims 12 and 21). Thus independent claims 1, 12 and 21 of the present application disclose that it is the rotor that rotates and not the mirror or support portion that rotates. Thus, if Newdigate or Menzies et al. were modified so that the mirror portion does not rotate the objective of each of these individual patents would be destroyed since clearly the mirror portion must rotate in order for droplets or other particles accumulated on the mirror to be dispersed. Applicant submits that the combination of Newdigate and Menzies et al. are not properly combinable without destroying the objectives of each of these individual references. Therefore, one skilled in the art would not be motivated to combine these references in the manner suggested. Applicant respectfully requests removal of the rejection of claims 1, 12 and 21 as well as any claims dependent thereon and allowance of this case.

With regard to dependent claims 2, 3, 6-11, 15-20 and 24-30 Applicant notes that each of these dependent claims are either dependent directly upon or ultimately dependent from independent 1, 12 or 21; therefore, Applicant respectfully request

removal of the rejection of each of these dependent claims by virtue of the dependency upon an allowable base claim.

The Office Action further rejected claims 4, 5, 13, 14, 22 and 23 under 35 U.S.C. § 103 (a) as being unpatentable over Newdigate in view of Menzies and further in view of Hayashi. Applicant notes that claims 4 and 5 are dependent upon independent claim 1; and claims 13 and 14 are dependent claims that are dependent upon independent claim 12; and claims 22 and 23 are dependent claims that are dependent upon independent claim 21. Therefore the combination of Newdigate in view of Menzies and further in view of Hayashi must render independent claims 1, 12 and 21 obvious. As discussed above Newdigate in view of Menzies does not render independent claims 1, 12 and 21 obvious because the proposed combination fails to render obvious a rotor that stabilizes the mirror against tilting vibrational movement as set forth in independent claims 1, 12 and 21. Therefore in order for dependent claims 4, 5, 13, 14, 22 and 23 to be rejected as being rendered obvious by Newdigate in view of Menzies and further in view of Hayashi the Hayashi reference must teach or suggest a rotor stabilizing the mirror against tilting vibrational movement. Hayashi is directed to "...provide a side-mirror driving apparatus which is new and capable of automatically returning a side mirror to its initial position after inclining the side-mirror in order to confirm safety in a rear field of vision." See Col. 1, Lines 41-46. Nowhere in the specification does Hayashi teach or suggest using a rotor to stabilize the mirror against tilting vibrational movement as disclosed in independent claims 1, 12 and 21. Since the combination of Newdigate in view of Menzies and further in view of Hayashi does not render obvious each and every element of independent claims 1, 12 and 21 the rejection of dependent claims 4, 5, 13, 14, 22 and 23 which should be removed since the proposed

combination of references does not render the combination of the elements of independent claims 1, 12 and 21 obvious. As such Applicant respectfully requests removal of the rejection of dependent claims 4, 5, 13, 14, 22 and 23 and respectfully requests allowance of these claims.

CONCLUSION

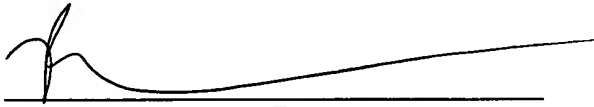
It is respectfully submitted that currently pending claims 1-30 are in fact patentable in view of the patents discusses herein. Applicant submits that the patents-30 unpatentable therefore, Applicant respectfully requests removable of the rejections of claims 1-30 and respectfully request of allowance thereof.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 364-4300 if any unresolved matters remain.

Respectfully submitted,

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